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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,852	06/26/2003	Joseph Anthony Holung	RPS9 2003 0080 US1	5825
45802	7590	11/24/2004	EXAMINER	
LALLY & LALLY, L.L.P. P. O. BOX 684749 AUSTIN, TX 78768-4749			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 11/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,852

Applicant(s)

HOLUNG, JOSEPH ANTHONY

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6,9-11,14,15 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,6 and 21 is/are allowed.
- 6) ☒ Claim(s) 9-11,14,15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the **Final Office Action** for application number 10/606,852 Mechanical Arm and Counterbalanced Assembly, filed on 6/26/03. Claims 2, 3, 6, 9-11, 14, 15, and 18-21 are pending. This **Final Office Action** is in response to applicant's reply dated 10/27/04. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 102

Claims 9, 10, 11, 14 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5697757 to Lindsay.

The patent to Lindsay discloses a mechanical assembly having an arm (10) connected to and free to rotate 360 degrees about a pivot point (22), a counterbalance link (23) fixedly collinear with the arm (10) and connected to the pivot point (22), a yoke (36) configured to translate back and forth in a first direction, wherein the yoke position tracks the first direction of a free end of the extension link as it rotates about the pivot point, including a first slot (33), parallel to the force of gravity, in which a pin (39) of the counterbalance extension link (23) resides), a force generating device connected between the counterbalance extension link pin and a fixed point on the yoke, which is used to exert a constant and independent force on the extension link (See Col. 4, lines

Art Unit: 3632

14-29, which describes a constant and independent force applying device acting on pin, See also Col. 5 and 6 for a list of examples). Lindsay also discloses wherein the yoke includes a second slot (35) which is perpendicular to the first slot (23) and a pin (37) attached to a fixed reference through the second slot to guide the motion of the yoke as it translates.

Claims 10 and 11 recites the first direction is perpendicular to the force of gravity. In this claim, the first direction is reversed with the second direction as described above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5697757 to Lindsay as applied to claims 1, 9 and 14 above, and in view of United States Patent No. 6334595 to Stenkvist et al.

Lindsay discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show that the constant force generating device is a spring.

Stendkvist et al. shows a counterbalanced arm with a constant force spring (15), used to apply a constant force on the arm. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the

Art Unit: 3632

teachings of Stendkvist et al. to have substituted the constant force generating device for a constant force spring, in order to apply a constant force on the arm.

Allowable Subject Matter

Claims 2, 3, 6 and 21 are allowed.

The reason is that the prior art does not show wherein the yoke includes a second slot perpendicular to the first slot and a pin is attached to a fixed reference through the second slot.

Response to Arguments

The applicant has argued that all of the limitations of claims 8 and 18 are not shown by the Lindsay reference because the Lindsay reference does teach the limitation the mechanical arm being able to rotate through a 360 degree arc. This is unpersuasive in that if the mechanical arm were in a retracted state and the track (35) were relatively longer than the mechanical arm, the arm would be capable of rotating 360 degrees and therefore the claims remain rejected as shown above.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3632

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS
Amy J. Sterling
11/22/04



RAMON O. RAMIREZ
PRIMARY EXAMINER